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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,301	10/30/2001	Jeffrey T. Kohli	SP01-284	7281

22928 7590 12/01/2003

CORNING INCORPORATED
SP-TI-3-1
CORNING, NY 14831

EXAMINER

SAMPLE, DAVID R

ART UNIT	PAPER NUMBER
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1755

DATE MAILED: 12/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

cbj

Office Action Summary	Application N .		Applicant(s)	
	10/016,301		KOHLI, JEFFREY T.	
	Examiner		Art Unit	
	David Sample		1755	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on June 23, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-22 and 24 is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-17, 23, 25 and 26 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Any rejections and/or objections, made in the previous Office Action, and not repeated below, are hereby withdrawn.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

Claims 1-4, 7-17, 23, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda et al. (JP 09249430).

Maeda '430 discloses a glass composition, which is believed to have overlapping ranges of components with the glass of instant claims 1, 9-17, 23 and 25. See the translated abstracts, and paragraph [0007]. It is noted that the reference discloses a glass composition in weight percent whereas the instant claims describe the glass in mole percent. This discrepancy makes it difficult to compare the reference and the claims. However, the examiner has formulated a theoretical composition which has amounts of components in weight percent and mole percent that fall within the ranges of the claims and the ranges disclosed by the reference:

	Mol%	Wt%
MgO	0.0	0%
CaO	9.0	8%
SiO ₂	65.0	58%
Na ₂ O	8.5	7.9%
K ₂ O	2.5	3.5%
Al ₂ O ₃	15.0	23%
SrO	0.0	0%
BaO	0.0	0%

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This theoretical composition is evidence that the glass of the reference has overlapping ranges of components with the glass of the present invention. Overlapping ranges have been held to establish *prima facie* obviousness. See MPEP 2144.05.

The reference fails to disclose the liquidus temperature, the viscosity at the liquidus temperature or the strain temperature described by instant claims 2-4, 7, 8. However, a glass's properties are determined by its composition, and the composition of the reference has overlapping ranges of components with the composition of the instant claims. Therefore, one of ordinary skill in the art would expect that the glass of the reference would have the claimed properties.

Response to Arguments

Applicant's arguments filed June 23, 2003 have been fully considered but they are not persuasive with respect to the rejection over JP '430.

Applicants assert that none of the examples in Maeda '430 fall within the claimed compositional ranges when converted to mole percent. The examiner agrees. However, a reference is not limited to its examples alone for disclosure, but must be viewed in its entirety to determine what would have been obvious to one of ordinary skill in the art. In the present instance, the compositional ranges of the reference overlap the presently claimed ranges, which has been held to establish *prima facie* obviousness.

Applicants point out that the theoretical composition recited in the first action (Paper No. 3) does not fall within the presently claimed ranges. Applicants are certainly correct, and

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because of this error, the present action is **NONFINAL**. However, it should be noted that the theoretical composition recited above does fall within the ranges of the reference and the claims.

Allowable Subject Matter

Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 18-22 and 24 are allowed.

The prior art fails to disclose or suggest a glass having the recited composition and which also exhibits a thermal expansion of $80 \text{ to } 95 \times 10^{-7}/^{\circ}\text{C}$ over a range from 25 to 300°C.

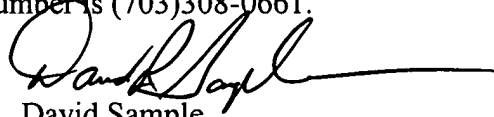
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Sample whose telephone number is (703)308-3825 (and which will be (571)272-1376 after December 23, 2003). The examiner can normally be reached on Monday to Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Bell can be reached on (703)308-3823 (and which will be (571)272-1362 after December 23, 2003). The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9310 for regular communications and (703)872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

A handwritten signature in black ink, appearing to read "David Sample", with a long horizontal flourish extending to the right.

David Sample
Primary Examiner
Art Unit 1755

DRS
November 28, 2003